HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S.B. Criminal Misc(Pet.) No. 3801/2022

Ishwar Prakash S/o Sh. Jai Prakash, Aged About 34 Years, B/c Brahmin, R/o Bakhto Ji Ka Beda, Near Girls School, Soorsagar, Jodhpur, Teh. And Dist. Jodhpur (Raj.).

----Petitioner

Versus

1. Simple Sharma W/o Sh. Ishwar Prakash D/o Sh. Pawan Kumar Sharma, B/c Brahmin, R/o W.no. 12/14, Second Block, Near Alahabad Bank, Purani Abadi, Sriganganagar, Dist. Sriganganagar (Raj.).
2. Tanish S/o Sh. Ishwar Prakash, Aged About 8 Years, Through His Natural Guardian Mother Smt. Simple Sharma W/o Sh. Ishwar Prakash D/o Sh. Pawan Kumar Sharma, B/c Brahmin, R/o W.no. 12/14, Second Block, Near Alahabad Bank, Purani Abadi, Sriganganagar, Dist. Sriganganagar (Raj.).
3. Divyanshi D/o Sh. Ishwar Prakash, Aged About 3 Years, Through His Natural Guardian Mother Smt. Simple Sharma W/o Sh. Ishwar Prakash D/o Sh. Pawan Kumar Sharma, B/c Brahmin, R/o W.no. 12/14, Second Block, Near Alahabad Bank, Purani Abadi, Sriganganagar, Dist. Sriganganagar (Raj.).

----Respondents

For Petitioner(s) : Mr. Sachin Saraswat
For Respondent(s) : Mr. Gaurav Singh, PP

JUSTICE DINESH MEHTA

Order

07/07/2022

1. The present petition has been filed by the petitioner seeking quashment of the order dated 14.12.2021, passed by the learned Family Court, Sriganganagar whereby, the court below has awarded an interim maintenance amount of ₹14,000/- per month.

2. So far as the quantum of amount is concerned, this Court finds it to be excessive and unreasonably high, considering that the petitioner is a government servant and is admittedly drawing monthly salary of ₹30,049/-.

3. So far as the ground of paying the interim maintenance from the date of filing of the application is concerned, this Court is of the view that in teeth of the provisions contained under sub-section (2) of Section 125 of Code of Criminal Procedure, 1973, the amount cannot be awarded from the date of filing the application.

4. Matter requires consideration.

5. Issue notice. Issue notice of the stay application also, returnable within a period of six weeks.

6. List the matter after six weeks.

7. Meanwhile, effect and operation of the order dated 14.12.2021 to the extent of awarding pendente lite maintenance from 01.07.2020 (the date of application) to 14.12.2021, shall remain stayed.

8. Needless to observe that the petitioner shall be required to pay monthly maintenance from the date of order, i.e., 14.12.2021. Arrears if any be cleared by 30.08.2022.

(DINESH MEHTA),J

224-Arvind/-